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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
AUGUST 23, 2010

MEMBERS PRESENT: JAMES DITTBRENNER, ACTING CHAIRMAN
FRANCIS BEDETTI, JR.
PAT TORPEY

ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

NICOLE JULIAN
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE, CHAIRMAN
RICHARD HAMEL

REGULAR MEETING:

MR. DITTBRENNER: I'd like to call to order the August 23, 2010 meeting of the New Windsor Zoning Board of Appeals.

APPROVAL OF MINUTES DATED 8/9/10

MR. DITTBRENNER: Motion to accept the minutes from our meeting on August 9, 2010 as submitted.

MR. BEDETTI: So moved.

MR. TORPEY: Second it.

ROLL CALL

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MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE

PRELIMINARY_MEETINGS:

ROBERT_DETRICK_(10-21)

MR. DITTBRENNER: Our first preliminary application is Robert Detrick requesting a variance for an existing shed that does not meet the minimum 10 foot rear yard setback requirements. A variance of eight feet is required at 204 Dairy Lane in a CL Zone. Please step forward, Mr. Detrick, please state your name for the stenographer.

MR. DETRICK: Robert Detrick.

MR. DITTBRENNER: In the Town of New Windsor, we basically operate in a twofold process. The first being a preliminary which gives you the opportunity to explain the variance that you're seeking, gives the board members an opportunity to ask their questions requiring any additional information for them to make a decision so we can move forward to a public hearing. Just describe what you're looking to accomplish and what you're requesting.

MR. DETRICK: Three years ago I purchased the property, I proceeded to put up a shed, unbeknownst to me incorrectly. I just went to my realtor to get the house put back on the market cause I need to move for a job relocation and she didn't have the shed on the information she had, she gave me so she said I need to get a permit for it. So I went to the building department, got a permit, they told me to measure it, I measured it, brought it back to them and they obviously directed me to you.

MR. DITTBRENNER: Couple of basic questions. With the building of the shed, was there the removal of any trees or substantial vegetation?

MR. DETRICK: No.

MR. DITTBRENNER: Was the shed built on top of or interfere with any easements, right-of-ways, including water, sewer or electrical easements?

MR. DETRICK: None that I know of. If you look in the pictures I sent to you, one of the pictures the bottom right one when I was taking that picture I stood on the drainage from the house he's behind me and it actually runs down the side of my property. There's no easement on the plot plan, it's not even notated on the plot plan so I don't believe it has any, but it's also a good 10 feet away from the existing shed.

MR. DITTBRENNER: With the building of the shed, was there the creation of ponding of water or was there any water flow diverted on the property?

MR. DETRICK: No.

MR. DITTBRENNER: Would you consider the shed to be of similar size and style to other sheds in the neighborhood?

MR. DETRICK: Other than the trim, yes, very similar to the three around it, that's how we picked where we were going to put it. I kind of looked at the ones that were right in just down the property line from mine.

MR. DITTBRENNER: Have there been any formal or informal complaints with the shed in its location?

MR. DETRICK: None that I know of.

MR. DITTBRENNER: What's directly behind your property line, is it a wooded area?

MR. DETRICK: There's trees on the property line and bushes and then there's two houses that are on Gurnsey Lane or Gurnsey Drive, Dairy Lane is a road that cuts

from one side of Gurnsey to the other and it makes a curve.

MR. DITTBRENNER: Any questions from the board?

MR. BEDETTI: Yeah, is there any reason why the shed couldn't be moved to comply with the law?

MR. DETRICK: There's a slope in the pictures, you'll notice, get the right picture here, the picture in the lower left-hand corner you'll notice we have a tree there. And initially, I was going to put the shed back farther in the corner but because of the drainage and the bush put on top of the drainage we couldn't put it back there. We moved it forward but if we move it further into the yard, it will interfere with the tree and that's why we didn't do it.

MR. DITTBRENNER: So to clarify the tree prohibits you from placing it more centrally on the property as well as with the slope, had you placed it lower you'd probably create some drainage problems?

MR. DETRICK: Possible, yes.

MR. DITTBRENNER: Anything else?

MR. BEDETTI: I see you have an unusual shaped back property line?

MR. DETRICK: It's very unusual, yeah, we wanted to snuggle it up in that back corner but it didn't lend itself, there's a bush back there.

MR. BEDETTI: I see. I'm good.

MR. TORPEY: Nothing.

MR. DITTBRENNER: I'll accept a motion.

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MR. BEDETTI: I'll make a motion that we schedule a public hearing for Mr. Robert Detrick for a variance for an existing shed on 204 Dairy Lane in a CL zone.

MR. TORPEY: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE

MS. JULIAN: Here's your paper with how many envelopes.

MR. DITTBRENNER: Thank you.

MR. DETRICK: Thank you.

PUBLIC HEARINGS:

JALE_DOKUZLAR_(10-20)

MR. DITTBRENNER: Next on the agenda is a public hearing for Jale Dokuzlar relating to a request for interpretation for a rebuild of existing fire damaged house with an existing second kitchen in the basement and in the rebuild it does not meet the front yard setback requirements and a variance of 17.03 feet is required at 37 Ona Lane. So again, if you would just give your name to the stenographer and again tell us what you're looking to accomplish.

MRS. DOKUZLAR: Okay, my name is Jale Dokuzlar, this is my husband, Ostan Dokuzlar. The first thing is the downstairs kitchen, we had the kitchen since we bought the house. I would like to have it again, it's for me, my lifestyle, my family and all that. That's that. And the foyer, the foyer that I had was very small, we opened the door, it's hard for people to get in like you have to stand behind the door to accept people. Since we rebuilding, I would like to have a bigger foyer, remember take off the shoes, so that's why I would like to have a little bit bigger foyer.

MR. DITTBRENNER: Just a couple of basic questions. When the house was acquired it was acquired as a single-family home? There was no rental unit in the basement originally?

MRS. DOKUZLAR: Well when we got the house, at the time in 1989, they we're called mother-daughter and my, I got a house like that because my parents were living with me. My parents passed away so we have been using the upstairs and downstairs as one. I have two kids, grandchild, I have a big family so and the house is not that big so when family gets together, really the upstairs is not enough. The younger ones sit downstairs, older people sit upstairs, that kind of

thing.

MR. TORPEY: It was a mother-daughter?

MRS. DOKUZLAR: Yeah, it was like mother-daughter now they call it bi-level.

MR. DITTBRENNER: And intentions are to continue to live in this dwelling just as a single family with a second kitchen?

MRS. DOKUZLAR: No, I wouldn't rent out.

MR. DITTBRENNER: And all the facilities as it relates to gas and electric meter, everything will be one meter?

MRS. DOKUZLAR: Yes, it will be one.

MR. DITTBRENNER: And you understand that you're never marketing the property in the event that you decide to sell it it will be marketed as a single family?

MRS. DOKUZLAR: Yes.

MR. DITTBRENNER: With the rebuild, will there be any removal of substantial vegetation or trees?

MRS. DOKUZLAR: No.

MR. DITTBRENNER: Figure you're going to build on the same footprint?

MRS. DOKUZLAR: Right, same spot.

MR. DITTBRENNER: As it relates to the variance requested for the front yard setback, again with the addition of this--

MR. TORPEY: Foyer.

MR. DITTBRENNER: --entranceway at the front of the property, will you be building this on top of any known easements, rights-of-ways related to water, sewer or electrical easements?

MRS. DOKUZLAR: No.

MR. DITTBRENNER: Will there be the removal of any substantial trees or vegetation?

MRS. DOKUZLAR: No.

MR. DITTBRENNER: Do you believe that with this addition there will be any ponding of water or the diversion of water flows for drainage?

MRS. DOKUZLAR: No.

MR. DITTBRENNER: Are you aware of any formal or informal issues or complaints from neighbors as it relates to your proposed building on this addition?

MRS. DOKUZLAR: Well, some of my neighbors are here right behind my house, his house got damaged too, I don't think so.

MR. DITTBRENNER: Okay.

MR. TORPEY: They're here for the positive?

MRS. DOKUZLAR: They're here to support us.

MR. DITTBRENNER: Do you believe that the--

MRS. DOKUZLAR: You can ask them.

MR. DITTBRENNER: Do you believe that the way you're going to rebuild this additional foyer and entranceway will conform with the size and nature of other homes in

the neighborhood?

MRS. DOKUZLAR: I don't think, I mean it's not going to affect anybody.

MR. DITTBRENNER: Will it be of similar size and design?

MR. KRIEGER: Will the house after it's enlarged look like other houses in the neighborhood?

MRS. DOKUZLAR: Yeah, I mean, the foyer it's a few feet bigger than what it was.

MR. DITTBRENNER: That answers the question. Any questions from the board?

MR. BEDETTI: The new proposed house, is it basically going to be on the same footprint that the old house is on, is that correct?

MRS. DOKUZLAR: That's what I understand.

MR. BEDETTI: Except for the foyer.

MRS. DOKUZLAR: Yes.

MR. BEDETTI: Basically you're just putting the new house where the old house was?

MRS. DOKUZLAR: Right.

MR. BEDETTI: And the old house actually didn't meet the current code so--

MRS. DOKUZLAR: Well, at the time that it was built.

MR. BEDETTI: I understand the zoning laws were probably different.

MRS. DOKUZLAR: Right.

MR. BEDETTI: So you're really not doing anything other than your little foyer that you're adding, there's not much of a change from what you have before?

MRS. DOKUZLAR: No.

MR. BEDETTI: I'm good.

MR. TORPEY: I'm good, answered my question.

MR. DITTBRENNER: At this point, I'll open it up to the public and I would ask that anybody's here to speak for or against this application, please step up, give your name to the stenographer.

MR. MARTELLI: I'm Tony Martelli, 39 Ona Lane next door to them. I have been there since 40 years so I just wanted to, I'm here to support them. They went through a lot of things and they're not going to do anything different, I mean, the foyer just inside the house, you know, the outside of the house is the same and, I mean, we have been there since those years, we don't even have any boundaries, you know, if I cut the grass first maybe I go on his property. If he cuts his grass first, he comes to us. So, you know, I just, they have been through a lot and I know this has been something that didn't stop them from going through so I'd like, I don't thinking anything is going to be on the outside of the house, just things that their culture calls for the foyer, you know, and the kitchen's just an extra thing downstairs, that's all.

MR. DITTBRENNER: So you're for this application as presented?

MR. MARTELLI: Yes.

MR. DITTBRENNER: Thank you. Anybody else?

MR. LABORDE: My name is Richard LaBorde. I have been here for four years, I know this guy, he made me feel comfortable in the area so I'm just here to support him. I want to see him back in his house.

MR. DITTBRENNER: Thank you very much. Sir?

DR. CAMPBELL: Dr. Campbell from 238 Summit Drive. I received a letter regarding this hearing and I'm thinking that it pertains to a property on Ona Lane that was burned, is that correct?

MRS. DOKUZLAR: Yes.

DR. CAMPBELL: Well, I certainly would have absolutely no objection to the owners rebuilding the property, obviously they want to move back into their property and for it to be built in a way that is in line with their wish. And I'm sure it is in cooperation and in harmony with the houses around. I don't believe that it would be in any way out of sequence to the surrounding property but hopefully and I'm sure everything will be in harmony with the existing properties in the locality so certainly I support my good neighbors.

MRS. DOKUZLAR: Thank you.

MR. DITTBRENNER: Thank you.

MR. TORPEY: Very nice.

MR. DITTBRENNER: Seeing no others, I'll close the public portion of this meeting and I'll ask Nicole how many mailings.

MS. JULIAN: On the 10th day of August, 2010, I mailed out 59 addressed envelopes with no written response.

MR. DITTBRENNER: Any further questions from the board? Hearing none, I'll accept a motion.

MR. BEDETTI: I have a question here. Are we dealing with this as two separate issues, the interpretation and then or are we doing it as one?

MR. DITTBRENNER: I'll accept a motion that made it as a package both the interpretation and the front yard setback requirement.

MR. TORPEY: There's two things here so we can put it down as two.

MR. DITTBRENNER: I think we can handle it in one motion.

MR. KRIEGER: Like when you do decisions in one.

MR. BEDETTI: I'll make the motion that we grant a variance to Jale Dokuzlar at 37 Ona Lane for the rebuild of an existing house that requires a variance of 17.03 feet for a front yard setback that we also grant the interpretation that the existing second kitchen is a legal second kitchen for a one family house located at 37 Ona Lane in an R-4 zone.

MR. TORPEY: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE

MRS. DOKUZLAR: Thank you very much.

FORMAL DECISIONS

1. THOMAS & KATHLEEN HANNON
2. NEWBURGH REAWLTY

MR. DITTBRENNER: The last item I would ask for a motion to approve the formal decisions as presented on the agenda.

MR. BEDETTI: Mr. Chairman, I'd just like to comment on the Newburgh Realty for formal decision there are a number of typos but I'll make the motion that we accept the formal decisions for Thomas and Kathleen Hannon and Newburgh Realty with the corrections to the typos for the Newburgh Realty.

MR. DITTBRENNER: Did you provide those corrections to Nicole?

MR. BEDETTI: Yes, I will.

MR. TORPEY: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE

MR. DITTBRENNER: Motion to adjourn?

MR. TORPEY: So moved.

MR. BEDETTI: Second it.

ROLL CALL

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MR. BEDETTI	AYE
MR. TORPEY	AYE
MR. DITTBRENNER	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

